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Attorney for James D. Cloud

United States District Court  
Eastern District of Washington  
Honorable Salvador Mendoza, Jr.

United States of America,

Plaintiff,

v.

James Dean Cloud,

Defendant.

No. 1:19-CR-2032-SMJ-1

Joint Status Report on Upcoming  
Identification Hearing

On September 3, 2020, the Court entered an Order confirming the upcoming identification hearing will be held in-person, and directed the parties to notify the Court about the following:

- 1) how much time the parties expect the hearing to take;
- 2) a proposed sequence for the hearings; and
- 3) anything else the parties wish to bring to the Court's attention.<sup>1</sup>

The parties met, conferred,<sup>2</sup> and offer the following responses:

***Hearing length.*** There are three pending eyewitness motions before the Court:

- 1) James Cloud's Motion to Suppress J.V.'s Tainted Identification<sup>3</sup>;
- 2) James Cloud's Motion in Limine Re: Lindell LaFollette's False Memory<sup>4</sup>; and
- 3) James Cloud's Motion to Exclude E.Z.'s Unreliable ID.<sup>5</sup>

For these motions, the parties anticipate the Court taking testimony from at least three witnesses, including FBI special Agent Ronald T. Ribail, a detective (or two)

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<sup>1</sup> ECF No. 187 at 2.

<sup>2</sup> The United States and James Cloud agree on the substance contained in this Status Report. Donovan Cloud elected to file separate materials reflecting his position. *See* ECF Nos. 189-191.

<sup>3</sup> ECF No. 147.

<sup>4</sup> ECF No. 185.

<sup>5</sup> ECF No. 186.

1 from the Yakima County Sheriff's Office, and Dr. Cara Laney. Given the need for  
2 substantive testimony from at least three witnesses, the parties expect a full day of  
3 testimony on September 29, with any clean-up testimony (e.g., re-direct) wrapping  
4 up on the morning of September 30, followed by argument.

5 In short, the parties expect the entire hearing to last roughly 1.5 days.

6 ***Sequencing.*** The parties believe it makes the most sense to handle the  
7 motions (and testimony) in the following order: first the motion involving J.V.; then  
8 the motion involving Mr. LaFollette; and wrapping up with the motion involving  
9 E.Z. The witness order would be as follows:

- 10 1) FBI Special Agent Ronald Ribail – direct + cross;
- 11 2) YCSO detectives – direct + cross; and
- 12 3) Dr. Cara Laney – direct + cross.

13 ***Anything else the Court should know.*** The parties believe it would be  
14 beneficial to discuss scheduling and other logistical matters for this trial, so  
15 additional time—besides the 1.5 days allocated for the motions—would be  
16 appreciated.

1 Dated: September 11, 2020.

2 Federal Defenders of Eastern Washington & Idaho  
3 s/ John B. McEntire, IV  
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6 **Service Certificate**

7 I certify that on September 11, 2020, I electronically filed the foregoing with  
8 the Clerk of the Court using the CM/ECF System, which will notify Assistant  
9 United States Attorneys: Thomas J. Hanlon and Richard Burson.

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